

**PER DIEM AND TRAVEL EXPENSES FOR
STATE BOARDS AND COMMISSIONS**

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the Administrative Services Code by amending provisions related to the establishment of per diem and travel expenses for a member of a state board, commission, council, or committee.

Highlighted Provisions:

This bill:

- ▶ modifies procedures for the establishment of per diem rates by the Division of Finance for a member of a state board, commission, council, or committee;
- ▶ amends the exemption for higher education employees to apply only if higher education is paying the costs of the per diem;
- ▶ allows other governmental entities to adopt the established rates by reference;
- ▶ provides that a member who is a government employee that is being paid as an officer or employee while performing the member's service may not receive additional per diem or travel expenses;
- ▶ allows a member of the board or commission to decline to receive per diem
- ▶ modifies procedures for the establishment of travel expenses by the Division of Finance for a member of a state board, commission, council, or committee;
- ▶ allows a member of the board or commission to decline to receive travel expenses; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-3-106, as renumbered and amended by Laws of Utah 1993, Chapter 212

63A-3-107, as renumbered and amended by Laws of Utah 1993, Chapter 212

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-3-106** is amended to read:

63A-3-106. Per diem rates for government officers and employees.

[Subject] (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall establish per diem rates for ~~[all state officers and employees]~~ a state officer or employee of the executive branch~~[, except officers and employees of higher education,]~~ to ~~[meet]~~ defray subsistence ~~[expenses]~~ costs for attendance at ~~[official meetings]~~ an official meeting of a board, commission, council, or committee of which the officer or employee is a member.

(2) Unless otherwise provided by statute, a per diem rate established under Subsection (1):

(a) is applicable to an officer or employee of the executive branch of state government, except as provided under Subsection (2)(b);

(b) is applicable to an officer or employee of a state institution of higher education, as defined under Section 53B-1-102, if the government entity that pays the costs of the per diem is not a state institution of higher education; and

(c) may be applicable to a government entity that is not included under Subsection (2)(a), if the government entity adopts the per diem rates by reference:

(i) to this section; or

(ii) to the rule establishing the per diem rates.

(3) (a) Unless not applicable under Subsection (2) and unless otherwise provided by statute, a member of a board, commission, council, or committee may receive per diem under this section and travel expenses under Section 63A-3-107 at a rate established by the Division of Finance under this part when the per diem and travel expenses are incurred for attendance at an official meeting of a board, commission, council, or committee.

(b) Notwithstanding the provisions of Subsection (3)(a), a member may not receive per

diem or travel under this Subsection (3) if the member is being paid as an officer or employee of a government agency while performing the member's service on the board, commission, council, or committee.

(4) A member may decline to receive per diem for the member's service.

Section 2. Section **63A-3-107** is amended to read:

63A-3-107. Travel expense rate of executive branch officers and employees.

(1) ~~[Subject]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall [adopt] make rules governing in-state and out-of-state travel [and travel expenses of all state officers and employees of the executive branch, except officers and employees of higher education] expense rates.

(2) Unless otherwise provided by statute, a travel expense rate established under Subsection (1):

(a) is applicable to an officer or employee of the executive branch of state government, except as provided under Subsection (2)(b);

(b) is applicable to an officer or employee of a state institution of higher education, as defined under Section 53B-1-102, if the government entity that pays the costs of the travel expenses is not a state institution of higher education; and

(c) may be applicable to a government entity that is not included under Subsection (2)(a), if the government entity adopts the travel expense rates by reference:

(i) to this section; or

(ii) to the rule establishing the travel expense rates.

~~[(2)]~~ (3) The Division of Finance shall make the travel expense [rules shall be based upon] rate rule on the basis of:

~~[(a) per diem rates of payment for subsistence expenses, subject to modification, when justified, to meet special circumstances encountered in official attendance at conferences, conventions, and other official meetings;]~~

~~[(b)]~~ (a) a mileage allowance; and

~~[(c)]~~ (b) reimbursement for other travel expenses incurred.

(4) A travel expense rate rule may allow modification, when justified, to meet special circumstances encountered in official attendance at a conference, convention, or other official

94 meeting.

95 ~~[(3)]~~ (5) (a) ~~[Officers and employees]~~ A state officer or employee of the executive
96 branch~~[, except officers or employees of higher education]~~ may not incur obligations for travel
97 outside Utah without the advance approval of the director of the Division of Finance.

98 (b) The director of the Division of Finance may delegate the authority to approve travel
99 outside the state to ~~[the directors of the]~~ an executive director or a designee of the executive
100 director of a state ~~[departments and agencies]~~ department or agency.

101 (c) ~~[This]~~ The approval under Subsection (5)(a) or (b), shall include a certification as to
102 the availability of funds.

103 (6) A member of a board, commission, council, or committee may decline to receive
104 travel expenses for the member's service.